



**US Army Corps
of Engineers**

Detroit District



Joint Public Notice

Applicant: Dean Steinhilber

In Reply Refer To: Corps File No. 02-175-012-1

Date: February 9, 2004

Expires: February 28, 2004

Proposed Land Leveling and Mechanized Land Clearing in Wetlands Adjacent to and in an unnamed tributary of (Hook Ditch) AT North Judson, Indiana

Applicant: Dean Steinhilber, 202 E. Indiana Ave., Hamlet, IN, 46532

Project Location: in wetlands adjacent to and in an unnamed tributary of (Hook Ditch), Section 19, Township 32N, Range 2W, North Judson, Starke County, Indiana. The site is located at northeast corner of Range Rd and CR 700 S, From LaPorte go South on US 35 to SR 10, then West to Range Rd, then South to CR.

Federal Authority: The applicant has applied for a Department of the Army permit under Section 404 of the Clean Water Act.

State Authority: A DA permit, if otherwise warranted, will not be issued on this project until a Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or it is considered waived. This Public Notice serves as the notice for a Clean Water Act, Section 401 application for water quality certification from the IDEM. IDEM will review this proposal for compliance with the applicable provisions of Section 301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: IDEM, Office of Water Management, Section 401 WQC Program, 100 N. Senate Av. Room 1255, P. O. Box 6015, Indianapolis, Indiana 46206-6015. The applicant is responsible for obtaining the certification from IDEM.

Project Description: As shown on the attached plans, the applicant proposes to discharge approximately 1485 cubic yards of material in a wetland area with dimensions of approximately 243 feet long by 660 feet wide (3.7 acres) by an average of three inches (0.25 feet). The applicant wishes to use mechanical equipment to clear trees and perform cut and fill activity across the wetland area to allow the work area to drain to the private ditch at the west end of the area. As part of this work, the applicant proposes to mechanically clear two small areas of willow shrubs and approximately 10 cottonwood trees, and the applicant proposes to fill an existing east to west ditch in the work area and replace it with a 20 foot wide by 6 inch deep swale. The applicant also proposes to adjust the elevation of the culvert from his private drain to match the elevation of the

flow line of Hook Ditch. So long as this work restores the culvert elevation to pre-existing conditions, and excavated materials are not permanently or temporarily discharged in the wetland area (the west side of the private ditch adjoining the work area is an upland field), no permit for the culvert work would be required from the Department of the Army, Corps of Engineers. The purpose of the work is to convert a wetland area to an area used for agricultural production such as row crops or fruit bushes.

Other Authorizations: The applicant has either received or requested the following governmental authorization:

Starke County Surveyor; permit to re-set drainage culvert to Legal Flow Line of Hook Ditch

Comments: We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-330 and the Indiana statutes listed above. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number 02-175-012-1. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with: John Konik, Chief, Permit Evaluation Branch A, Regulatory Office, Detroit District, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231. Comments may be e-mailed to: Thomas.E.Allenson@usace.army.mil, but must include a name and mailing address.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Evaluation: The decision whether to issue the Department of the Army permit will be based on evaluation of the probable impact of the proposed activity on the public interest. These decisions will reflect the national concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the

impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This activity involves the discharge of dredged or fill material into waters of the United States. Therefore, the U.S. Army Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator of the Federal Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act.

Endangered Species: We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

Cultural Resources: The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places. There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this Public Notice from federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

Additional Information: Questions concerning this application may be directed to Thomas E. Allenson at the Corps of Engineers address listed above, or telephone number (313) 226-2221.

FOR THE DISTRICT ENGINEER:

John Konik
Chief, Permit Evaluation Branch A
Regulatory Office

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.